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Appl. No. : 09/855,340
Applicant : Hosted et al.
Filed : May 15, 2001
TC/AU : 1636
Examiner : Walter Schlapkohl
Docket No. : IN01164K US
Confirm No.: 9296

**Declaration by Dr. Thomas Hosted, Jr. and Dr. Ann C. Horan
Under 37 C.F.R. § 1.131**

We, Dr. Thomas Hosted, Jr. and Dr. Ann C. Horan, co-inventors of the above-referenced patent application, declare as follows:

1. The *Xis* gene polynucleotide was isolated and the nucleotide sequence of the gene was identified to be as set forth in SEQ ID NO: 2 before the January 12, 2000 priority date of U.S. patent application publication no. 2004/0101832 and U.S. patent no. 6,861,513.
2. Enclosed exhibit A is a true copy of a page from co-inventor Hosted's laboratory notebook showing the sequence data referred to in paragraph 1 (dates redacted). The nucleotide and amino acid sequence labeled "Xis like" is the *Xis* sequence.
3. The *M. carbonacea* attP/attB region was isolated and the nucleotide sequence of the region was identified to be as set forth in SEQ ID NO: 6 before the January 12, 2000 priority date of U.S. patent application publication no. 2004/0101832 and U.S. patent no. 6,861,513.
4. Enclosed exhibit B is a true copy of a page from co-inventor Hosted's laboratory notebook showing the sequence data referred to in paragraph 3 (dates redacted). The notebook page of exhibit B includes a comparison between two nucleotide sequences. The

bottom sequence, from nucleotides 188 to 434, is the attP/attB region of SEQ ID NO: 6.

5. All the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Date: 3/21/2006

Thomas J. Hostetler Jr.
Thomas J. Hostetler Jr.

Date: 2/12/2006

Ann C. Horan
Ann C. Horan

EXHIBIT A

75

Intensive Review

Integrase region A Work

Redo analysis on
potentive attP region

03/07/06 14:16 FAX 908 298 5405

SCHERING-PLOUGH

014

EXHIBIT B

30

Edge#Custom(MWG) vs Edge#U custom (Seqright)*

1 CCGTCGTACTCTCGATCGCGGTNCGGATGTGCTGTACGGGGACCTGCCTGAGGAGGTGCA 60
 61 CGAGGGGATCCCTCGCGCGATCGAGGAGGGCATGGCGCCGTCCGGGGTGGAGGACCTGGA 120
 121 GCGGGAACTCGACGAGGAGCTGACGGACGTGTTGGCGAAGCAGCATGATCAACTCTAGG 12 180
 13 GGAGGGGTAGGGGAATGGACTCCGAGAGGCCCCGAGCAATCCGGAGCATGACGGAGCAA 72
 181 GGAGGGGTAGGGGAATCCACTCCGAGAGGCCCCGAGCAATCCGGAGCATGACGGAGCAA 240
 73 CCAGCAGGTCAAGGTGGCCTGTTGACCCCTGACCAAGGGCCCGTACCG-TTCAATTCCC 151
 241 CCAGCAGGTCAAGGTGGCCTGTTGACCCCTGACCAAGGGCCCGTACCGGTTCAATTCCC 300
 132 ATCAGTCACCCATACACCGAAGGGCGCTCCACTCGGAGGGGGCTTCCGGCGTTCCGTGAGG 181
 301 ATCAGTCACCGTACACCGAAGGGCCCGTCCACTCGGAGGGGGCTTCCGGCGTTCCGTGAGG 360
 182 GTTCCACCGTCAAGGCGGTGGGTGAGGCGCTGGGGATCGGCCCGGCTCGCGGGAGTGBC 251
 361 GTTCCACCGTCAAGGCGGTCAAGGCGCTGGGGACTCGGCCCGGCTCGCGGGAGTGBC 420
 252 TCGGCGTCCGGGGAGGGCGTGGCGTCCGGGTGTCACGGGAGGGCGCTCGCCCTTGACGTAC 311
 421 TCGGCGTCCGGGGAGGGCGTGGCGTCCGGGTGTCACGGGAGGGCGCTCGCCCTTGACGTAC 480
 512 TCGTCCCAGGTCACTGTTCCAGTCGGTCCAGCCGTTGGCGAGGTTAGGTTGGGTG 371
 481 TGGTCCGAGGTCACTGTTCCAGTCGGTCCAGCCGTTGGCGAGGTTAGGTTGGGTG 540
 542 CCCTTGACGGTGAATCGGGTCCGGCACCCGGGTGTT-GTCGAACAGCCAGCGCC-GTTCT 429
 541 CCCTTGACGGTGAATCGGGTCCGGCACCCGGGTGTT-GTCGAACAGCCAGCGCC-GTTCT 600
 430 TCATCGABACGTTGACGGCAGCCGTCGGAGACGTTGACGCTGCGCTGCTGCGCCCTCGGACC 489
 601 TCATCGAGACGTTGACCGAACCGCTCGGAGACGTTGACGCTTCCCTTGTTGCGCTCGGACC 600
 480 AGGGGGCGGGGTGGATG-AAGTCGGCGCCAGGTGAGGGGCTCGCGGTAGTCGATCTT- 547
 681 CAAGGGGGCGGGNTGGATTNAACT- 689
 549 CGTGGCGTACCCCTCCCTGGGACCCAGCTCCCTGAAGGTGTCAGAGACGGTCTTGGGTAGT 607
 608 TTGTGGATGACCAACATGGTCCGOTGGACGACGGGTGCTTGTGCGGAGGCTGAC 667
 688 GGGG 671

pSP11870-4 (See Notebook # 52810 pg 103)

840 Pelt edge carb 4

(8073 bp)

Hydrogenation Resistance S-2 (continued)

* MWG + Seqright are the companies from which the sequencing data was obtained.